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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/740,261	12/18/2003	Osman Polat	9475	1913
27752 THE PROCTE	7590 04/05/201 CR & GAMBLE COMP		EXAM	IINER
	Department - IP		PIZIALI, A	NDREW T
Sycamore Buil 299 East Sixth	ding - 4th Floor Street		ART UNIT	PAPER NUMBER
CINCINNATI	, OH 45202		1786	
			MAIL DATE	DELIVERY MODE
			04/05/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)	
10/740,261	POLAT ET AL.	
Examiner	Art Unit	
Andrew T. Piziali	1786	

-The MAILING DATE of this communication appears on the cover sheet with the correspondence address - THE REPLY FILED 29 March 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131: or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.141. The reply must be filed within one of the following time periods:  a) ■ The period for reply expires on: (1) the mailing date of the final rejection.  b) The period for reply expires on: (1) the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (6). ONLY CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK BOX (b) WHEN THE FIRST REPLAY SET [LED WITHIN TWO REVIEWS OF CHECK
<ul> <li>I. ■ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affadwit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 4.1.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:</li> <li>a) ■ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If Dox 1 is checked, check elither tox (a) or (b), ONLY CHECK BOX (b) WHENT HE FIRST REPLY WAS FILED WITHIN TWO CHECKERS (PM 1.10). The statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If Dox 1 is checked, check elither tox (a) or (b), ONLY CHECK BOX (b) WHENT HE FIRST REPLY WAS FILED WITHIN TWO CHECKERS (b) with the statutory period for reply originally and the appropriate stension fee naives of the statutory of the check. Any reply received by the Office later shade in the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> <li>CITE OF APPEAL</li> <li>The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed with two months of the appeal. Since Notice of Appeal shas been filed, any reply must be filed within the time period set forth in 37 CFR 4.137(e).</li> <li>MENDMENTS</li> <li>The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a)</li></ul>
application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 1.131; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.141. The reply must be filed within one of the following time periods:  a) The period for reply expiresmonths from the mailing date of the final rejection.  b) The period for reply expiresmonths from the mailing date of the final rejection. Whichever is later, Ir no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later, Ir no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later, Ir no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection, whichever is later, Ir no event, however, will the statutory period for reply of the Control of the statutory of the date of the final rejection, whichever is later, Ir no event, however, will be statuted under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee wave been filed in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, any reduce any examend patent term adjustment. See 37 CFR 1.136(a) and 1.25 CFR 1.137(a), or any extension thereof (37 CFR 4.137(e)), to avoid dismissal of the date of filing the Notice of Appeal awas filed on
b) ∑ The period for regly expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later, Ir no event, however, will be statutory period for regly expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW MONTHS OF THE FINAL REJECTION. See MPEP 766 (70f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension rate was been filled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension rate under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filled, may reduce any earned patient term adjustment. See 37 CFR 1.704(b).  CMOTICE OF APPEAL.  Continued the properties of the proposed amendment (a) filled after a final rejection, but prior to the date of filling a brief, will not be entered because (a) The proposed amendment(s) filled after a final rejection, but prior to the date of filling a brief, will not be entered because (a) They raise the issue of new matter (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a))  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  The amendments are not in compliance with 37 CFR 1.121. S
no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b), ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TW.  MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee average been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee average the period of the filed for the section of the filed of the file
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CPF 1.136(a). The date on which the petition under 37 CPF 1.136(a) and the appropriate extension fee average may be obtained under 37 CPF 1.136(a). The date on which the petition under 37 CPF 1.136(a) and the appropriate extension fee average mem fled is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CPF 1.176(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as tel forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, represented pather time adolustment. See 37 CPF 1.706(b).  OTICE OF APPEAL  If the Notice of Appeal was filed on A brief in compliance with 37 CFR 4.1.37 must be filed within two months of the date of filing the Notice of Appeal as been filed, any reply must be filed within the time period set forth in 37 CFR 4.1.37(a).  MENDMENTS  If the proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because (a) They raise new issues that would require further consideration and/or search (see NOTE below);  (b) They raise the issue of new matter (see NOTE below);  (c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal, and/or  (d)
aver been filed is the date for purposes of determining the period of extension and the corresponding amount of the feat. The appropriate extension feat of a work 37 CPR 1.17(s) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (5) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term doubtement. Set 37 CPR 1.79(8) proposed or any reduce any earned patent term doubtement. Set 37 CPR 1.79(8) proposed or filing the Notice of Appeal was filed on
2 ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 4.137 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).    MENDMENTS
filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), to avoid dismissal of the appeal. Since Notice of Appeal has been filled, any reply must be filied within the time period set forth in 37 CFR 41.37(a).    MENDMENTS
The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because   (a)
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They raise the issue of new matter (see NOTE below); (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: ☐ (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The ammendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  3. ☐ Newly proposed or amended claim(s) ☐ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  3. ☐ For purposes of appeal, the proposed amendment(s) a) ☐ will not be entered, or b) ☑ will be entered and an explanation of how the new or amended claim should be rejected is provided below or appended.  3. ☐ The status of the claim(s) is (or will be) as follows:  3. ☐ Claim(s) allowed:  3. ☐ The affidavt or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and we so tearlier presented. See 37 CFR 1.116(a)  3. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because and/or appeal and/or ap
(b) ☐ They raise the issue of new matter (see NOTE below);  (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s):
(c) ☐ hey are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.  NOTE:
appeal; and/or  (d)
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.  NOTE: (See 37 CFR 1.116 and 41.33(a)).  1. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  5. ☐ Applicant's reply has overcome the following rejection(s):
to the amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).    Applicant's reply has overcome the following rejection(s):
5. Applicant's reply has overcome the following rejection(s):  Solventy proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  No For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected: 1-5.8-15 and 18-20.  Claim(s) withdrawn from consideration:  AFFIDANT OR OTHER EVIDENCE  Sol. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.114(e).  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 1.3(d)(1).
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<ul> <li>Si</li></ul>
how the new or mended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows: Claim(s) allowed: Claim(s) objected to: Claim(s) objected to: Claim(s) objected to: Claim(s) withdrawn from consideration:  AFFIDANT OR OTHER EVIDENCE  I have a substituted to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence filed after with the date of filing a Notice. Sea 37 CFR 1.116(a).
Claim(s) allowed:  Claim(s) objected to:  Claim(s) withdrawn from consideration:  FIDANT OR OTHER EVIDENCE  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and we not earlier presented. See 37 CFR 1.116(a)  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 1.3(d)(1).
Claim(s) objected to: Claim(s) rejected: 1-5.2-15 and 18-20. Claim(s) withdrawn from consideration: ATELIANT OR OTHER EVIDENCE  5. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 13(d)(1).
Claim(s) rejected: 1-5.8-15 and 18-20. Claim(s) withdrawn from consideration:  AFFIDANT OR OTHER EVIDENCE  So The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and we not earlier presented. See 37 CFR 1.116(a).  In the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons with it is necessary and was not earlier presented. See 37 CFR 1.3(d)(1).
Claim(s) withdrawn from consideration:
<ul> <li>The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 4.133(d)(1).</li> </ul>
because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.114(e).  If the affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 1.33(d)(1).
D. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcorne all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 43(3)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.
REQUEST FOR RECONSIDERATION/OTHER
11. \( \subseteq \) The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. 🗌 Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s)
13. Other:
(Andrew T District
/Andrew T Piziali/
Primary Examiner, Art Unit 1786

U.S. Patent and Trademark Office PTOL-303 (Rev. 08-06)

Continuation of 11, does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive.

The applicant asserts that adjacent layers are not disposed on one another if apertures are present. The examiner respectfully disagrees. Firstly, the layers are clearly disposed on one another in the areas excluding the apertures. Secondly, the aperture areas of each layer may be considered part of each layer. Therefore, the two layers may be considered disposed on one another in all areas. In addition, in response to applicant's arguments against the references individually, one cannot show nonobrusness by attacking

references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981): In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).